

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Gerald L.,

Case No. 20-CV-1352 (KMM/TNL)

Plaintiff,

ORDER

v.

Kilolo Kijakazi,

Defendant.

The above matter comes before the Court upon the Report and Recommendation (R&R) of United States Magistrate Judge Tony N. Leung, dated July 27, 2022. No objections have been filed to that R&R.

The Court reviews de novo any portion of the R&R to which specific objections are made. 28 U.S.C. § 636(b)(1); D. Minn. LR 72.2(b). In the absence of objections, the Court reviews the R&R for clear error. *Nur v. Olmsted County*, 563 F. Supp. 3d 946, 949 (D. Minn. 2021) (citing Fed. R. Civ. P. 72(b) and *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam)). Based on the Court's careful review of the R&R and the record in this case, the Magistrate Judge committed no error, clear or otherwise.

Accordingly, **IT IS HEREBY ORDERED** that:

1. The Report and Recommendation, ECF No. 38, is **ADOPTED**.
2. Plaintiff's Motion for Summary Judgment, ECF No. 28, is **GRANTED IN PART and DENIED IN PART**.

3. The Commissioner's Motion for Summary Judgment, ECF No. 30, is **GRANTED IN PART and DENIED IN PART.**
4. The ALJ's residual-functional-capacity determination and decision is **VACATED** as to steps four and five.
5. This matter is **REMANDED** to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings consistent with the findings and conclusions of the Report and Recommendation.

Let Judgment Be Entered Accordingly.

Date: **September 26, 2022**

s/ Katherine M. Menendez

Katherine M. Menendez
United States District Judge